

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:	)	Docket No. HWCA P3-01/02-013
	)	
	)	
MARTIN METALS FINISHING INC.	)	
US EPA ID No.: CAD 059794974	)	
	)	
CHEMICAL TECHNOLOGY	)	
LABORATORIES	)	
US EPA ID No.: CAD 008275885	)	
	)	
MARTIN ENTERPRISES	)	
12150 South Alameda Street	)	
Lynwood, California 90262	)	
	)	
AND	)	FIRST AMENDED
	)	ENFORCEMENT ORDER
	)	
PETE MARTIN	)	
9611 Garnish Drive	)	
Downey, California 90240	)	
	)	
	)	Health and Safety Code
Respondents.	)	Section 25187
	)	
_____	)	

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (DTSC or Department) issues this First Amended Enforcement Order (Order) to Martin Metals Finishing, Inc., Chemical Technology Laboratories, Martin Enterprises, and Pete Martin (Respondents).

1.1.2 Mr. Pete Martin is the owner and operator of the Martin Metal Finishing, Inc. and Chemical Technology Laboratories, both Interim Status Documented (ISD) hazardous waste management facilities (Facilities), which have operated at the same address and are both in the process of closure. Mr. Pete Martin is also the owner of Processes by Martin, a hazardous waste generator, which now operates at the Facilities. These Facilities consist of one parcel with the following Assessor's description: Map Book 6169, Page 017, Parcel 004. This parcel is currently occupied by Processes by Martin but is owned by Martin Enterprises. Martin Enterprises is owned by Pete Martin and is cited in a 1996 Closure Plan as the facility owner, operator and landowner for both Facilities.

1.2. Permitting Status. These Facilities are located at 12150 South Alameda Street (See the Facility location map attached as Exhibit 1). The Facilities engaged in the management of hazardous waste pursuant to grants of interim status by the Department of Health Services, which was DTSC's predecessor agency, on March 6, 1981. The Respondents ceased operation of hazardous waste management units (HWMUs) in August 1994. Therefore, the authorizations to operate as hazardous waste facilities ended on August 1994.

1.3. Jurisdiction. Jurisdiction exists pursuant to Health and Safety Code (HS&C) sections 25187, 25187.1, and 25200.10. H&SC section 25187 authorizes DTSC to issue an order to require corrective action when DTSC determines that there is or has been a release of hazardous waste or hazardous waste constituents into the environment from a hazardous waste facility. If DTSC determines that the presence of any hazardous waste at a facility or site at which hazardous waste is, or has been, stored, treated, or disposed of, or the release of any hazardous waste from the facility or site may present a substantial hazard to human health or the environment, H&SC section 25187.1 authorizes DTSC to issue an order requiring the owner or operator of a facility or site to conduct monitoring, testing, analysis, and reporting with respect to the facility or site which DTSC deems reasonable to ascertain the nature and extent of the hazard.

H&SC section 25200.10 mandates that DTSC require corrective action for all releases of hazardous waste or constituents from a solid waste management unit or a hazardous waste management unit at a facility engaged in hazardous waste management.

1.4. Definition of Terms. The terms used in this Order are as defined in section 25100 et seq. of the H&SC and section 66260.10 of Title 22 of the California Code of Regulations (Cal. Code Regs.), except as otherwise provided.

1.5. Attachments. All attachments to this Order are incorporated herein by this reference.

### FINDINGS OF FACT

2.1. Lindmark Engineering, on behalf of Martin Metal Finishing, Inc., submitted a Closure Plan for Martin Metal Finishing® dated February 27, 1996, to DTSC. A Workplan for Soil Gas Survey at Martin Metal Finishing Facility, 12150 South Alameda Street, Lynwood, California® August 30, 1999, and a Revised Workplan for Soil Gas Survey at Martin Metal Finishing Facility, 12150 South Alameda Street, Lynwood, California® dated February 1, 2000, were also submitted by Lindmark Engineering on behalf of Martin Metal Finishing, Inc. On December 7, 2000, Lindmark Engineering provided to DTSC, interim results of a two-phased soil gas investigation performed to provide information for a revised Closure Plan. The aforementioned documents identified that volatile organic compounds (VOCs) were present within the subsurface materials underlying the Facility. The Closure Plan was required for the approved bankruptcy reorganization plan and judgement was entered December 6, 1994. The Closure Plan addressed three hazardous waste management units (HWMUs): (a) Effluent Waste Treatment Unit (HWMU-1), (b) Old Hazardous Waste Management Storage Area (HWMU-2), and (c) New Hazardous Waste Management Storage Area (HWMU-3). Two 10,000 gallon underground storage tanks (USTs) were removed by IT Corporation in April 8, 1986, under the auspices of Los Angeles County Department of Public Works (LACDPW). One tank was used to store methyl ethyl ketone (MEK) and the other

unleaded gasoline. MEK was reported at concentrations as high as 12,000 mg/kg in the soil at the MEK UST. Toluene was detected in soil in the vicinity of the tanks. Subsequent preliminary and expanded site assessments by Converse Environmental Consultants in May 1986 and April 1988, and Phase II site investigations by Geraghty and Miller, Inc. in July and September, 1988, revealed MEK in two on-site monitoring wells at concentrations ranging up to 80,000 Fg/l of MEK and 10,000 Fg/l of toluene. Subsequent groundwater investigation by Lindmark Engineering in January 1996 revealed MEK concentrations of 11 and 15 Fg/l and total petroleum hydrocarbons as gasoline concentrations up to 940 Fg/l. Based on the submitted data and information, releases occurred to both soil and ground water at these two USTs and they are considered solid waste management units (SWMUs).

Two additional USTs, one 6,000-gallon and 1200-gallon, are reported as having been used to store thinner. The presence of toluene, a major component of thinners, in ground water is an indication of releases from these tanks. A 550-gallon tank of unknown contents (possibly waste oil) was also reported.

Groundwater contaminants reported from on-site wells include, MEK, benzene, toluene, tetrachloroethylene (PCE), vinyl chloride (VC), and *cis*-1,2-dichloroethene (*cis*-1,2-DCE). The 1996 Closure Plan indicated that the hazardous waste and hazardous waste constituents of concern managed at the three HWMUs included untreated chromium waste, consisting of paint residue and chlorinated solvents from cleaning activities; dry chromium waste from a chromium conversion process, including zinc and other heavy metals; high boiler waste and residual sludge generated by the distillation unit, consisting primarily of toluene and MEK, but also including acetone, xylenes, naphthalenes and paraffins, esters and glycol ethers, various alcohols, 1,1,1-trichloroethane (TCA), resins, ink and paint pigments, and Inert solids@

An Environmental Priorities Initiative Preliminary Assessment was prepared on April 9, 1991, by IFC Technology, Inc., for the U.S. Environmental Protection Agency (U.S. EPA).

2.2. The SWMUs and AOC are shown on the map attached as Exhibit 2 and specified as follows:

- SWMU-1: 10,000-gallon MEK UST;
- SWMU-2: 10,000-gallon gasoline UST;
- SWMU-3: 6000-gallon thinner UST;
- SWMU-4: 1200-gallon thinner UST
- SWMU-5: 550-gallon UST (unknown contents)
- SWMU-6: PCE-contaminated northeastern portion of site (unknown origin).  
Automatic Sprayer Washer Floor Area identified in Environmental  
Priorities Initiative Preliminary Assessment April 9, 1991.
- SWMU-7 New Bermed Hazardous Waste Storage Area
- AOC-1: Southern California Edison (SCE) transformer.
- AOC-2 Asbury Environmental Services dirt covered parking area (east end of  
Facility)
- AOC-3 Area southwest of MEK and Gasoline tanks where excavated soil was  
stockpiled.

2.3. Based on the reports cited above, DTSC concludes that further investigation is needed, at minimum, to determine the nature and extent of contamination associated with the SWMUs and the AOCs listed in section 2.2.

2.4. Hazardous wastes or hazardous waste constituents have migrated or may migrate from the Facilities into the environment through the following pathways: soil, surface water, ground water, and air. 2.5. The Facilities are located within that portion of the Central Groundwater Basin known as the Central Basin Pressure Area. The 1996

Closure Plan indicated that ground water beneath the Facilities is as shallow as 36 feet below ground surface (bgs) and described this uppermost saturated zone as a semi-perched aquifer with the materials encountered below the saturation as being part of the Bellflower Aquitard. However, both the 1996 Closure Plan and the 1991 Preliminary Assessment (PA) prepared by ICF, recognized that the aquitard is not continuous in the area and that the so-called semi-perched zone may be hydraulically interconnected with the Gaspar Aquifer. Hydraulic continuity with the deeper aquifer units, such as the Exposition and Gage or the Hollydale, Lynwood, Silverado and Sunnyside, is unknown. The local groundwater flow pattern in the uppermost saturated unit is reported as east-northeast. The Basin Plan of the Los Angeles Regional Water Quality Control Board (LARWQCB, June 13, 1994) indicated that groundwater is beneficial for municipal uses. City of Lynwood public drinking water wells 11 and 19 are located within a quarter of a mile to the east-northeast and west-northwest of the Facilities, respectively. An unused City of Compton well is located approximately 500 feet southeast of the Facilities.

2.6. Releases from the Facility have migrated through the vadose zone to groundwater at the Facilities as demonstrated by vadose zone and groundwater investigations cited in 2.1.

### WORK TO BE PERFORMED

3. Based on the foregoing FINDINGS OF FACT, IT IS HEREBY  
ORDERED THAT:

3.1. Respondents shall perform the work required by this Order in a manner consistent with: the attached Scopes of Work; DTSC-approved RCRA Facility Investigation (RFI) Workplan, Corrective Measures Study (CMS) Workplan, Corrective Measures Implementation (CMI) Workplan, and any other DTSC-approved Workplans; H&SC and other applicable state and federal laws and their implementing regulations; and applicable DTSC or U.S. EPA guidance documents. Applicable guidance documents include, but are

not limited to, the "RCRA Facility Investigation (RFI) Guidance" (Interim Final, May 1989, EPA 530/SW-89-031), "RCRA Groundwater Monitoring Technical Enforcement Guidance Document" (OSWER Directive 9950.1, September 1986), "Test Methods For Evaluating Solid Waste" (SW-846), "Construction Quality Assurance for Hazardous Waste Land Disposal Facilities" (EPA 530/SW-85-031, July 1986) and "Corrective Action Orientation Manual" (Draft Working copy, June 1994, DTSC).

### 3.2. Interim Measures (IM).

3.2.1. Respondents shall evaluate available data and assess the need for interim measures in addition to those specifically required by this Order. Interim measures shall be used whenever possible to control or abate immediate threats to human health and/or the environment, and to prevent and/or minimize the spread of contaminants while long-term corrective action alternatives are being evaluated.

3.2.2. Respondents shall submit a Current Conditions Report to DTSC in accordance with Section 3.3.1. of this Order. The Current Conditions Report shall contain an assessment of any interim measures. The assessment must include both previously implemented interim measures and other interim measures that could be implemented at the Facilities. The assessment must also identify additional data needed for making decisions on interim measures. This new data or information shall be collected during the early stages of the RFI. DTSC will review the Respondents' assessment and determine which interim measures, if any, Respondents will implement at the Facilities. If deemed appropriate by DTSC, such determination may be deferred until additional data are collected.

3.2.3. In the event Respondents identify an immediate or potential threat to human health and/or the environment, discover new releases of hazardous waste and/or hazardous waste constituents, or discover new solid waste management units not previously identified, Respondents shall notify the DTSC Project Coordinator orally within 48 hours of discovery and notify DTSC in writing within ten (10) calendar days of discovery

summarizing the findings, including the immediacy and magnitude of the potential threat to human health and/or the environment. Within thirty (30) calendar days of receiving DTSC's written request, Respondents shall submit to DTSC an IM Workplan for approval. In some instances, where interim measures must be implemented quickly to prevent harm to human health and the environment, DTSC may reduce or limit the elements of or requirement for the submittal of workplans and specifications. The IM Workplan shall include a schedule for submitting to DTSC an IM Operation and Maintenance (O&M) Plan and IM Plans and Specifications (P&S). The IM Workplan, IM O&M Plan, and IM P&S shall be developed in a manner consistent with the Scope of Work for Interim Measures Implementation appended as Attachment A. If DTSC determines that immediate action is required, the DTSC Project Coordinator may orally authorize the Respondents to act prior to DTSC's receipt of the IM Workplan.

3.2.4. If DTSC identifies an immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste and/or hazardous waste constituents, or discovers new solid waste management units not previously identified, DTSC will notify Respondents in writing. Within thirty (30) calendar days of receiving DTSC's written notification, Respondents shall submit to DTSC for approval an IM Workplan that identifies Interim Measures that will mitigate the threat. In some instances, where interim measures must be implemented quickly to prevent harm to human health and the environment, DTSC may reduce or limit the elements of or requirement for the submittal of workplans and specifications. The IM Workplan shall include a schedule for submitting to DTSC an IM Operation and Maintenance (O&M) Plan and IM Plans and Specifications (P&S). The IM Workplan, IM O&M Plan, and IM P&S shall be developed in a manner consistent with the Scope of Work for Interim Measures Implementation appended as Attachment A. If DTSC determines that immediate action is required, the DTSC Project Coordinator may orally authorize the Respondents to act prior to DTSC's receipt of the IM Workplan.



3.2.5. All IM Workplans shall ensure that the Interim Measures are designed to mitigate current or potential threats to human health and/or the environment, and should, to the extent practicable, be consistent with the objectives of, and contribute to the performance of, any remedy which may be required at the Facilities.

3.2.6. Concurrent with the submission of an IM Workplan, Respondents shall submit to DTSC a Health and Safety Plan in accordance with the Scope of Work for a Health and Safety Plan, Attachment B.

3.2.7. Concurrent with the submission of an IM Workplan, Respondents shall submit to DTSC a Community Profile for DTSC approval in accordance with Attachment D. Based on the information provided in the Community Profile, if DTSC determines that there is a high level of community concern about the Facilities, DTSC may require Respondents to prepare a Public Participation Plan.

3.3. RCRA Facility Investigation (RFI).

3.3.1. Within sixty (60) calendar days of the effective date of this Order, Respondents shall submit to DTSC a Current Conditions Report and a Workplan for a RCRA Facility Investigation (RFI) Workplan. The Current Conditions Report and RFI Workplan are subject to approval by DTSC and shall be developed in a manner consistent with the Scope of Work for an RFI contained in Attachment C. DTSC will review the Current Conditions Report and RFI Workplan and notify Respondents in writing of DTSC's approval or disapproval. 3.3.2. The RFI Workplan shall detail the methodology to: (1) gather data needed to make decisions on interim measures/ stabilization during the early phases of the RFI; (2) identify and characterize all sources of contamination; (3) define the nature, degree and extent of contamination; (4) define the rate of movement and direction of contamination flow; (5) characterize the potential pathways of contaminant migration; (6) identify actual or potential human and/or ecological receptors; and (7) support development of alternatives from which a corrective measure will be selected by DTSC. A specific schedule for implementation of all activities shall be included in the RFI Workplan.

3.3.3. Respondents shall submit an RFI Report to DTSC for approval in accordance with DTSC-approved RFI Workplan schedule. The RFI Report shall be developed in a manner consistent with the Scope of Work for an RFI contained in Attachment C. If there is a phased investigation, separate RFI Reports and a report that summarizes the findings from all phases of the RFI must be submitted to DTSC. DTSC will review the RFI Report(s) and notify Respondents in writing of DTSC's approval or disapproval.

3.3.4. Concurrent with the submission of a RFI Workplan, Respondents shall submit to DTSC a Health and Safety Plan in accordance with Attachment B. If workplans for both an IM and RFI are required by this Order, Respondents may submit a single Health and Safety Plan that addresses the combined IM and RFI activities.

3.3.5. Respondents shall submit a RFI Summary Fact Sheet to DTSC that summarizes the findings from all phases of the RFI. The RFI Summary Fact Sheet shall be submitted to DTSC in accordance with the schedule contained in the approved RFI Workplan. DTSC will review the RFI Summary Fact Sheet and notify Respondents in writing of DTSC's approval or disapproval, including any comments and/or modifications. When DTSC approves the RFI Summary Fact Sheet, Respondents shall mail the approved RFI Summary Fact Sheet to all individuals on the Facilities mailing list established pursuant to 22 Cal. Code Regs. section 66271.9(c)(1)(D), within fifteen (15) calendar days of receipt of written approval.

3.3.6. Concurrent with the submission of a RFI Workplan, Respondents shall update the existing Community Profile if required for DTSC approval in accordance with Attachment D. Based on the information provided in the Community Profile, if DTSC determines that there is a high level of community concern about the Facilities, DTSC may require Respondents to prepare a Public Participation Plan or update an existing Public Participation Plan.

3.4. Corrective Measures Study (CMS).

3.4.1. Respondents shall prepare a Corrective Measures Study (CMS) if contaminant concentrations exceed current health-based action levels and/or if DTSC determines that the contaminant releases pose a potential threat to human health and/or the environment. Health-based contaminant concentrations in air, soil (residential and industrial), and water can be used for risk screening purposes, as possible triggers for further action (e.g., corrective measures study), and as starting points for determining site-specific cleanup levels. The soil contaminant concentrations for residential use should be used as a trigger point for requiring a CMS. A cumulative Health Risk Assessment may be required for operating facilities (e.g., off-site facility) to establish cleanup levels.

3.4.2. Within thirty (30) calendar days of the earlier of DTSC's approval of the RFI Report or of Respondents' receipt of a written request from DTSC, Respondents shall submit a CMS Workplan to DTSC. The CMS Workplan is subject to approval by DTSC and shall be developed in a manner consistent with the Scope of Work for a Corrective Measures Study contained in Attachment E.

3.4.3. The CMS Workplan shall detail the methodology for developing and evaluating potential corrective measures to remedy any contamination at the Facilities. The CMS Workplan shall identify the potential corrective measures, including any innovative technologies, that may be used for the containment, treatment, remediation, and/or disposal of contamination.

3.4.4. Respondents shall prepare treatability studies for all potential corrective measures that involve treatment except where Respondent can demonstrate to DTSC's satisfaction that they are not needed. The CMS Workplan shall include, at a minimum, a summary of the proposed treatability study including a conceptual design, a schedule for submitting a treatability study workplan, or Respondents' justification for not proposing a treatability study.

3.4.5. Respondents shall submit a CMS Report to DTSC for approval in accordance with DTSC-approved CMS Workplan schedule. The CMS Report shall be

developed in a manner consistent with the Scope of Work for a CMS contained in Attachment E. DTSC will review the CMS Report and notify Respondents in writing of DTSC's approval or disapproval.

3.5. Remedy Selection.

3.5.1. DTSC will provide the public with an opportunity to review and comment on the final draft of the CMS Report, DTSC's proposed corrective measures for the Facility, and DTSC's justification for selection of such corrective measures.

3.5.2. Following the public comment period, DTSC may select final corrective measures or require Respondents to revise the CMS Report and/or perform additional corrective measures studies.

3.5.3. DTSC will notify Respondents of the final corrective measures selected by DTSC in the Final Decision and Response to Comments. The notification will include DTSC's reasons for selecting the corrective measures.

3.6. Corrective Measures Implementation (CMI).

3.6.1. Within sixty (60) calendar days of Respondents' receipt of notification of DTSC's selection of the corrective measures, Respondents shall submit to DTSC a Corrective Measures Implementation (CMI) Workplan. The CMI Workplan is subject to approval by DTSC and shall be developed in a manner consistent with the Scope of Work for Corrective Measures Implementation contained in Attachment F.

3.6.2. Concurrent with the submission of a CMI Workplan, Respondents shall submit to DTSC a Health and Safety Plan in accordance with Attachment B.

3.6.3. Concurrent with the submission of a RFI Workplan, Respondents shall update the existing Community Profile if required for DTSC approval in accordance with Attachment D. Based on the information provided in the Community Profile, if DTSC determines that there is a high level of community concern about the Facilities, DTSC may require Respondents to prepare a Public Participation Plan or update an existing Public Participation Plan.

3.6.4. The CMI program shall be designed to facilitate the design, construction, operation, maintenance, and monitoring of corrective measures at the Facilities. In accordance with the schedule contained in the approved CMI Workplan, Respondents shall submit to DTSC the documents listed below. These documents shall be developed in a manner consistent with the Scope of Work for Corrective Measures Implementation contained in Attachment F.

- o Operation and Maintenance Plan
- o Draft Plans and Specifications
- o Final Plans and Specifications
- o Construction Workplan
- o Construction Completion Report
- o Corrective Measures Completion Report

3.6.5. DTSC will review all required CMI documents and notify Respondents in writing of DTSC's approval or disapproval.

3.6.6. As directed by DTSC, Respondents shall establish a financial assurance mechanism for Corrective Measures Implementation. The financial assurance mechanisms may include a performance or surety bond, liability insurance, an escrow performance guarantee account, a trust fund, financial test, or corporate guarantee as described in 22 Cal. Code Regs. section 66265.143 or any other mechanism acceptable to DTSC. The mechanism shall be established to allow DTSC access to the funds to undertake Corrective Measures Implementation tasks if Respondents are unable or unwilling to undertake the required actions.

#### OTHER REQUIREMENTS AND PROVISIONS

4.1. Project Coordinator. Within fourteen (14) days of the effective date of this Order, DTSC and Respondents shall each designate a Project Coordinator and shall

notify each other in writing of the name of the Project Coordinator selected. Each Project Coordinator shall be responsible for overseeing the implementation of this Order and for designating a person to act in his/her absence. All communications between Respondents and DTSC, and all documents, report approvals, and other correspondence concerning the activities performed pursuant to this Order shall be directed through the Project Coordinators. Each party may change its Project Coordinator with at least seven (7) days prior written notice.

4.2. Department Approval.

4.2.1. Respondents shall revise any workplan, report, specification, or schedule in accordance with DTSC's written comments. Respondents shall submit to DTSC any revised documents by the due date specified by DTSC. Revised submittals are subject to DTSC's approval or disapproval.

4.2.2. Upon receipt of DTSC's written approval, Respondents shall commence work and implement any approved workplan in accordance with the schedule and provisions contained therein.

4.2.3. Any DTSC-approved workplan, report, specification, or schedule required by this Order shall be deemed incorporated into this Order.

4.2.4. Verbal advice, suggestions, or comments given by DTSC representatives will not constitute an official approval or decision.

4.3. Submittals.

4.3.1. Beginning with the first full month following the effective date of this Order, Respondents shall provide DTSC with bi-monthly progress reports of corrective action activities conducted pursuant to this Order. Progress reports are due on the 10th day of the month when reports are due. The progress reports shall conform to the Scope of Work for Progress Reports contained in Attachment C. DTSC may adjust the frequency of progress reporting to be consistent with site-specific activities.

4.3.2. Any report or other document submitted by Respondents pursuant to this Order shall be signed and certified by the project coordinator, a responsible corporate officer, or a duly authorized representative.

4.3.3. The certification required above, shall be in the following form:

I certify that the information contained in or accompanying this submittal is true, accurate, and complete. As to those portions of this submittal for which I cannot personally verify the accuracy, I certify that this submittal and all attachments were prepared at my direction in accordance with procedures designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

4.3.4. Respondents shall provide three copies of all documents, including but not limited to, workplans, reports, and correspondence of fifteen (15) pages or longer. Submittals specifically exempted from this copy requirement are all progress reports and correspondence of less than 15 pages, of which one copy is required.

4.3.5. Unless otherwise specified, all reports, correspondence, approvals, disapprovals, notices, or other submissions relating to this Order shall be in writing and shall be sent to the current Project Coordinators.

4.4. Proposed Contractor/Consultant.

All work performed pursuant to this Order shall be under the direction and supervision of a professional engineer or registered geologist, registered in California, with expertise in hazardous waste site cleanup. Respondents=contractor or consultant shall have the technical expertise sufficient to fulfill his or her responsibilities. Within fourteen (14) days of the effective date of this Order, Respondents shall notify the DTSC Project Coordinator in writing of the name, title, and qualifications of the professional engineer or registered geologist and of any contractors or consultants and their personnel to be used

in carrying out the requirements of this Order. DTSC may disapprove of Respondents= contractor and/or consultant.

4.5. Quality Assurance.

4.5.1. All sampling and analyses performed by Respondents under this Order shall follow applicable DTSC and U.S. EPA guidance for sampling and analysis. Workplans shall contain quality assurance/quality control and chain of custody procedures for all sampling, monitoring, and analytical activities. Any deviations from the approved workplans must be approved by DTSC prior to implementation, must be documented, including reasons for the deviations, and must be reported in the applicable report (e.g., RFI Report).

4.5.2. The names, addresses, and telephone numbers of the California State certified analytical laboratories Respondents propose to use must be specified in the applicable workplans.

4.5.3. All workplans required under this Order shall include data quality objectives for each data collection activity to ensure that data of known and appropriate quality are obtained and that data are sufficient to support their intended uses.

4.5.4. Respondents shall monitor to ensure that high quality data are obtained by its consultant or contract laboratories. Respondents shall ensure that laboratories used by Respondents for analysis perform such analysis according to the latest approved edition of "Test Methods for Evaluating Solid Waste, (SW846)", or other methods deemed satisfactory to DTSC. If methods other than U.S. EPA methods are to be used, Respondents shall specify all such protocols in the applicable workplan (e.g., RFI Workplan). DTSC may reject any data that do not meet the requirements of the approved workplan, U.S. EPA analytical methods, or quality assurance/quality control procedures, and may require resampling and analysis.

4.5.5. Respondents shall ensure that the California State certified laboratories used by Respondents for analyses have a quality assurance/quality control



program. DTSC may conduct a performance and quality assurance/quality control audit of the laboratories chosen by Respondents before, during, or after sample analyses. Upon request by DTSC, Respondents shall have its selected laboratory perform analyses of samples provided by DTSC to demonstrate laboratory performance. If the audit reveals deficiencies in a laboratory's performance or quality assurance/quality control procedures, resampling and analysis may be required.

4.6. Sampling and Data/Document Availability.

4.6.1. Respondents shall submit to DTSC upon request the results of all sampling and/or tests or other data generated by its employees, agents, consultants, or contractors pursuant to this Order.

4.6.2. Notwithstanding any other provisions of this Order, DTSC retains all of its information gathering and inspection authority and rights, including enforcement actions related thereto, under H&SC, and any other state or federal statutes or regulations.

4.6.3. Respondents shall notify DTSC in writing at least seven (7) days prior to beginning each separate phase of field work approved under any workplan required by this Order. If Respondents believe they must commence emergency field activities without delay, Respondents may seek emergency telephone authorization from DTSC Project Coordinator or, if the Project Coordinator is unavailable, his/her Branch Chief, to commence such activities immediately.

4.6.4. At the request of DTSC, Respondents shall provide or allow DTSC or its authorized representative to take split or duplicate samples of all samples collected by Respondents pursuant to this Order. Similarly, at the request of Respondents, DTSC shall allow Respondents or its authorized representative to take split or duplicate samples of all samples collected by DTSC under this Order.

4.7. Access.

4.7.1. Subject to the Facilities' security and safety procedures, Respondents shall provide DTSC and its representatives access at all reasonable times to the Facilities and any other property to which access is required for implementation of this Order and shall permit such persons to inspect and copy all records, files, photographs, documents, including all sampling and monitoring data, that pertain to work undertaken pursuant to this Order and that are within the possession or under the control of Respondents or their contractors or consultants.

4.7.2. To the extent that work being performed pursuant to this Order must be done beyond the property boundary of the Facilities, Respondents shall use its best efforts to obtain access agreements necessary to complete work required by this Order from the present owners of such property within thirty (30) days of approval of any workplan for which access is required. Best efforts as used in this paragraph shall include, at a minimum, a letter by certified mail from the Respondent to the present owners of such property requesting an agreement to permit Respondents and DTSC and its authorized representatives access to such property and offering the payment by Respondents of reasonable sums of money in consideration of granting access. Any such access agreement shall provide for access to DTSC and its representatives. Respondents shall provide DTSC's Project Coordinator with a copy of any access agreements. In the event that an agreement for access is not obtained within thirty (30) days of approval of any workplan for which access is required, or of the date that the need for access becomes known to Respondents, Respondents shall notify DTSC in writing within fourteen (14) days thereafter regarding both the efforts undertaken to obtain access and its failure to obtain such agreements. DTSC may, at its discretion, assist Respondents in obtaining access.

4.7.3. Nothing in this section limits or otherwise affects DTSC's right of access and entry pursuant to any applicable state or federal law or regulation.

4.7.4. Nothing in this Order shall be construed to limit or otherwise affect Respondents=liability and obligation to perform corrective action including corrective action beyond the Facility boundary.

4.8. Record Preservation.

4.8.1. Respondents shall retain, during the implementation of this Order and for a minimum of six (6) years thereafter, all data, records, and documents that relate in any way to the implementation of this Order or to hazardous waste management and/or disposal at the Facilities. Respondents shall notify DTSC in writing ninety (90) days prior to the destruction of any such records, and shall provide DTSC with the opportunity to take possession of any such records. Such written notification shall reference the effective date, caption, and docket number of this Order and shall be addressed to:

Jose Kou, Chief  
Southern California Permitting Branch  
Department of Toxic Substances Control  
1011 North Grandview Avenue  
Glendale, CA 91201

4.8.2. If Respondent retains or employs any agent, consultant, or contractor for the purpose of complying with the requirements of this Order, Respondents will require any such agents, consultants, or contractors to provide Respondents a copy of all documents produced pursuant to this Order.

4.8.3. All documents pertaining to this Order shall be stored in a central location at the Facilities to afford ease of access by DTSC and its representatives.

4.9. Change in Ownership. No change in ownership or corporate or partnership status relating to the Facilities shall in any way alter Respondents= responsibility under this Order. No conveyance of title, easement, or other interest in the Facilities, or a portion of the Facilities, shall affect Respondents=obligations under this Order. Unless DTSC agrees that such obligations may be transferred to a third party,

Respondents shall be responsible for and liable for any failure to carry out all activities required of Respondents by the terms and conditions of this Order, regardless of Respondents' use of employees, agents, contractors, or consultants to perform any such tasks.

4.10. Notice to Contractors and Successors. Respondents shall provide a copy of this Order to all contractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order and shall condition all such contracts on compliance with the terms of this Order. Respondents shall give written notice of this Order to any successor in interest prior to transfer of ownership or operation of the Facilities and shall notify DTSC at least seven (7) days prior to such transfer.

4.11. Compliance with Applicable Laws. All actions required to be taken pursuant to this Order shall be undertaken in accordance with the applicable requirements of all local, state, and federal laws and regulations. Respondents shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

4.12. Costs. Respondents are liable for any costs associated with the implementation of this Order.

4.13. Endangerment during Implementation. In the event that DTSC determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people at the Facilities or in the surrounding area or to the environment, DTSC may order Respondents to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by an Order to Stop Work under this section shall be extended for the term of the Order to Stop Work.

4.14. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past,

current, or future operations of Respondents. Notwithstanding compliance with the terms of this Order, Respondents may be required to take further actions as are necessary to protect public health or welfare or the environment.

4.15. Government Liabilities. The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondents or related parties specified in section 4.19 in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondents or their agents in carrying out activities pursuant to the Order.

4.16. Additional Enforcement Actions. By issuance of this Order, DTSC does not waive the right to take further enforcement actions.

4.17. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondents pursuant to this Order are incorporated in this Order upon approval by DTSC.

4.18. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondents to costs, penalties, and/or punitive damages for any costs incurred by DTSC or other government agencies as a result of such failure, as provided by H&SC section 25188 and other applicable provisions of law.

4.19. Parties Bound. This Order shall apply to and be binding upon Respondents, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.20. Compliance with Waste Discharge Requirements. Respondents shall comply with all applicable waste discharge requirements issued by the California State Water Resources Control Board or a California Regional Water Quality Control Board.

4.21. Submittal Summary. Below is a summary of the major reporting requirements contained in this Order. The summary is provided as a general guide and

does not contain all requirements. Please refer to the specific language of this Order for all the requirements.

<u>Section</u>	<u>Action</u>	<u>Due Date</u>
4.2.2	Implement approved Workplans	In accordance with schedules contained in approved Workplans
4.1	Designate Project Coordinator	14 days from and notify DTSC effective date in writing of Order
3.2.3	Notify DTSC orally of potential threats to human health	48 hours after discovery
3.2.3	Notify DTSC in writing of potential threats to human health	10 days after discovery
3.2	Submit Interim Measures Workplan, Health and Safety Plan, and Public Involvement Plan	90 days from effective date of Order
3.3	Submit RFI Workplan, Current Conditions Report, Health and Safety Plan Update Public Involvement Plan	90 days from effective date of Order
3.4	Submit CMS Workplan	30 days after Department request
3.6	Submit CMI Workplan Update Public Involvement Plan	90 days from receipt Of notification of DTSC DTSC selection of a corrective measure
4.3	Submit Progress Reports	First progress report due on 10th day of the month following the effective date of Order. Subsequent reports due quarterly thereafter
4.4	Notify DTSC in	14 days from

	writing of contractors to carry out terms of Order	effective date of Order
4.6	Notify DTSC of when field work starts	7 days before each phase of field work

#### RIGHT TO A HEARING

5. You may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

#### EFFECTIVE DATE

6. This Order is final and effective twenty (20) days from the date of mailing, which is the date of the cover letter transmitting the Order to you, unless you request a hearing within the twenty-day period.

Date of Issuance\_\_\_\_\_

Original Signed on July 16, 2002

Jose Kou, Chief  
Southern California Permitting Branch  
Hazardous Waste Management Program  
Department of Toxic Substances Control

COMMUNITY PROFILE OUTLINE  
**FOR**  
**MARTIN METAL FINISHING**  
**12150 South Alameda Street, Lynwood, CA 90262,**  
**EPA ID No. CAD 059 794 974**

The following items should be included in the Community Profile:

SITE DESCRIPTION

- Description of proposed project.
- Map.
- Description of the site/facility location.
- Description of the surrounding land uses and environmental resources (including proximity to residential housing, schools, churches, etc.).
- Visibility of the site to neighbors.
- Demographics of community in which the site is located (e.g., socioeconomic level, ethnic composition, specific language considerations, etc.). This information may be found in local libraries (e.g., census records).

LOCAL INTEREST

- Contacts with community members - any inquiries from community members, groups, organizations, etc. (include names, phone numbers, and addresses on the key contact list).
- Community interactions - any current meetings, events, presentations, etc.



- Media coverage - any newspaper, magazine, television, etc., coverage.
- Government contacts - city and county staff, state and local elected officials.

#### KEY CONTACT LIST

- Names, addresses, and phone numbers of city manager, city/county planning department staff, local elected officials, and other community members with whom previous contact has been made.

#### PAST PUBLIC INVOLVEMENT ACTIVITIES

- Any ad hoc committees, community meetings, workshops, letters, newsletters, etc., about the site or similar activity.

#### KEY ISSUES AND CONCERNS

- Any specific concerns/issues raised by the community regarding the site/facility or any activities performed on the site/facility.
- Any anticipated concerns/issues regarding the site/facility.
- Any general environmental concerns/issues in the community.

PP Review \_\_\_\_\_ Date \_\_\_\_\_

bcc: Regional Coordinator in issuing Regional Permit

HQ Permitting Branch Chief

Local Hazardous Waste Program (at Branch Chief option)

Regional board (where there are groundwater violations)

District Attorney/County Attorney (at Branch Chief option)

EPA Region IX (only where EPA has involved in case)

Other agencies involved in case

Site Mitigation (at Branch Chief option)

bcc; James Grace

ATTACHMENT \_\_\_\_